

Docket # PF-0319-2 DIV

"Express Mail" mailing label number EL 856 147 088 US : I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on February 5, 2002

By: James M. Miller
James M. Miller

Printed: James M. Miller
James M. Miller

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a DIVISIONAL application under 37 CFR 1.53(b) of pending prior application Serial No.09/206,646, filed on December 7, 1998, which is a divisional application of U.S. Serial No. 08/873,093, filed June 11, 1997, now U.S. Patent No. 5,853,997, both of which are entitled PROTEIN PHOSPHATASE.

1. X Enclosed is a specification corresponding to the prior application, U.S. Application Serial No.09/206,646, filed December 7, 1998, which is a divisional application of U.S. Serial No. 08/873,093, filed June 11, 1997, now U.S. Patent No. 5,853,997, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. -----, filed -----, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. ----- as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 2-10, 13-28, 46-57 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this

time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. The inventor(s) of the invention being claimed in this application is (are): Olga Bandman, Surya K. Goli, Preeti Lal, Neil C. Corley, and Hong Zhang.
5. In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signatures as filed on June 11, 1997 is enclosed.
6. Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/206,646, filed December 7, 1998 , all of which applications and patents are hereby incorporated herein by reference."
7. The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate Fee		Basic Fee
				\$18	\$0	
Total Claims	20	-20	0	x \$18	0	\$ 0
Indep. Claims	2	-3	0	x \$84	0	\$0
<u>Multiple Dependent Claim(s), if any</u>				+ \$280		\$0

TOTAL FILING FEE \$ 740.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. Please charge Deposit Account No. 09-0108 in the amount of \$ 740.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A duplicate copy of this Request is enclosed.

10. New formal drawings are enclosed.

11. The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on November 6, 1997, at reel 8789/frame 0271.
12. A preliminary amendment is enclosed.
13. Also enclosed: a) Submission of Formal Drawings;
b) Information Disclosure Statement and List of References Cited by Applicants;
c) Copy of Substitute Sequence Listing and Submission Statement previously filed on 08/02/01.
14. The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Diana Hamlet-Cox	Reg. No. 33,302
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Lynn E. Murry	Reg. No. 42,918
Shirley A. Recipon	Reg. No. 47,016
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168

- The associate power of attorney in the prior application is to:
- a. A Certificate Under 3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 05 February 2002

By:

Richard C. Ekstrom

Richard C. Ekstrom

Reg. No. 37,027

Direct Dial Telephone: (650) 843-7352

- Inventor(s)
- Assignee of complete interest
- Attorney or agent of record
- Filed under 37 CFR 1.34(a)
Registration number if acting under 37 CFR 1.34(a) _____

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Docket No.: PF-0319-2 DIV

**SUBSTITUTE DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,
and

I believe that I am the original, first and sole inventor (if only one name is listed below)
or an original, first and joint inventor (if more than one name is listed below) of the subject
matter which is claimed and for which a United States patent is sought on the invention entitled

HUMAN PROTEIN PHOSPHATASE

the specification of which:

/ is attached hereto.

/X was filed on February 5, 2002 as application Serial No. 10/072,130 and if this
box contains an X /, was amended on _____.

/ was filed as Patent Cooperation Treaty international application No. _____ on
_____, if this box contains an X /, was amended on under Patent Cooperation Treaty Article
19 on _____, and if this box contains an X /, was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified
specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of
this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any
foreign application(s) for patent or inventor's certificate indicated below and of any Patent
Cooperation Treaty international applications(s) designating at least one country other than the
United States indicated below and have also identified below any foreign application(s) for
patent or inventor's certificate and Patent Cooperation Treaty international application(s)
designating at least one country other than the United States for the same subject matter and
having a filing date before that of the application for said subject matter the priority of which is
claimed:

Country	Number	Filing Date	Priority Claimed
_____	_____	_____	// Yes // No
_____	_____	_____	// Yes // No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Application <u>Serial No.</u>	Filed	Status (Pending, Abandoned, Patented)
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

Application <u>Serial No.</u>	Filed	Status (Pending, Abandoned, Patented)
_____	_____	_____

I hereby appoint the following:

Lucy J. Billings	Reg. No. 36,749
Jenny Buchbinder	Reg. No. 48,588
Diana Hamlet-Cox	Reg. No. 33,302
Joel Harris	Reg. No. 44,743
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Lori L. Kerber	Reg. No. 41,113
Gina C. Nellesen	Reg. No. 52,062
Shirley A. Recipon	Reg. No. 47,016
Cathleen M. Rocco	Reg. No. 46,172
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168
James M. Verna	Reg. No. 33,287
Yu-Mei Eureka Wang	Reg. No. 50,510

respectively and individually, as my patent attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

**LEGAL DEPARTMENT
INCYTE CORPORATION
3160 PORTER DRIVE, PALO ALTO, CA 94304**

TEL: 650-855-0555 FAX: 650-849-8886 or 650-845-4166

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Sole Inventor or
First Joint Inventor:**

Full name:

Signature:

Date:

Citizenship

Residence:

P.O. Address:

OLGA BANDMAN

Olga Baerdnæs

22 June, 2003

United States

Mountain View, California

366 Anna Avenue
Mountain View, California 94043

Second Joint Inventor:

Full name:

Signature:

Date:

Citizenship

Residence:

P.O. Address:

SURYA K. GOLI

, 2003

United States

San Jose, California

3311 Cantamar Court

Third Joint Inventor:

Full name: PREETI G. LAL
Signature: _____
Date: _____, 2003
Citizenship: United States
Residence: Santa Clara, California
P.O. Address: P.O. Box 5142
Santa Clara, California 95056

Fourth Joint Inventor:

Full name: NEIL C. CORLEY
Signature: _____
Date: _____, 2003
Citizenship: United States
Residence: Castro Valley, California
P.O. Address: 20426 Crow Creek Road
Castro Valley, California 94552

Fifth Joint Inventor:

Full name: HONG ZHANG
Signature: _____
Date: _____, 2003
Citizenship: PR of China
Residence: Hollister, California
P.O. Address: 1215 Quail Ridge Way
Hollister, California 95023



COPY

Docket N .: PF-0319 US

DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,
and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

NEW PROTEIN PHOSPHATASE

the specification of which:

/ is attached hereto.

/ was filed on _____ as application Serial No. _____ and if this box contains an X /, was amended on _____.

/ was filed as Patent Cooperation Treaty international application No. _____ on _____, 19 ___. if this box contains an X /, was amended on under Patent Cooperation Treaty Article 19 on _____ 19 ___, and if this box contains an X /, was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent

or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

Country	Number	Filing Date	Priority Claimed
			/ / Yes / / No
			/ / Yes / / No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

Application Serial No.	Filed	Status (Pending, Abandoned, Patented)

I hereby appoint the following:

**LUCY J. BILLINGS
MICHAEL C. CERRONE**

**Registration No. 36,749
Registration No. 39,132**

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

**LUCY J. BILLINGS, ESQ.
INCYTE PHARMACEUTICALS, INC.
3174 PORTER DRIVE, PALO ALTO, CA 94304**

TEL: 415-855-0555 FAX: 415-845-4166

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

***IMPORTANT:** Before this declaration is signed, the parent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

**Sole Inventor or
First Joint Inventor:**

Full name: OLGA BANDMAN
Signature: Olga Bandman
Date: 10 June 1997

Residence: Mountain View, California

P.O. Address: 366 Anna Avenue
Mountain View, California 94043

Second Joint Inventor:

Full name: SURYA K. GOLI
Signature: Surya Kumari Goli
Date: 6/10/ 1997
Citizenship: INDIA ~~United States of America~~
Residence: Sunnyvale, California
P.O. Address: 620 Iris Avenue, #338
Sunnyvale, California 94086

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Third Joint Inventor:

Full name:

PREETI LAL

Preeti Lal

Date:

10th June 1997

Citizenship:

India

Residence:

Sunnyvale, California 90486

P.O. Address:

1255 Vicente Drive, #116
Sunnyvale, California 94086

Fourth Joint Inventor:

Full name:

NEIL C. CORLEY

Neil C. Corley

Date:

JUNE 10 1997

Citizenship:

United States of America

Residence:

Mountain View, California

P.O. Address:

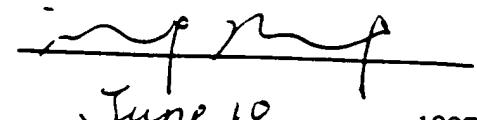
1240 Dale Avenue, #30
Mountain View, California, 94040

Fifth Joint Inventor:

Full name:

HONG ZHANG

Signature:



Date:

June 10 1997

Citizenship:

PR China

Residence:

Pleasant Hills, California

P.O. Address:

217 Twinbridge Circle
Pleasant Hills, California 94523